IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPEAL NO. 3125 of 2002

Shri Nitin Jaikumar Patil .. Appellant

versus

Chandrakant Pandurang Chougule .. Respondents

...

Mr.A.A. Kazi for the appellant.

CORAM : V.M. KANADE, J

DATED : 6th September 2004.

P.C:-

1. Heard the learned counsel appearing on behalf of the appellant.

2. This is an application filed by the respondent accused who was charged under section 138 of the Negotiable Instruments Act. The trial Court has acquitted the accused and against the said order of acquittal, an appeal has been preferred by the

original complainant. It is stated that the complainant has filed a Special Civil Suit no.438 of 1994 before a Civil Judge, Sr. Division, Kolhapur in which she has taken a contradictory stand to the one which has been taken in the Criminal complaint.

3. It is therefore prayed that the respondent be permitted to rely on the plaint in Special Civil Suit no.438 of 1994 in the present appeal and the same may be treated as additional evidence on behalf of the respondent no.2. The applicant herein is permitted to file a certified copy of the plaint in Special Civil Suit no.438 of 1994. The question whether the plaint should be treated as additional evidence will be considered at the time of hearing of the main appeal.

Application is disposed of in the above terms.

V.M. KANADE, J